

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL TODD BOTELHO,

Case No. 3:22-cv-00191-MMD-CLB

Petitioner,

ORDER

v.

OFFICE OF THE WARDEN, *et al.*,

Respondents.

This habeas matter is before the Court on *pro se* Petitioner Michael Todd Botelho's failure to comply with the Court's prior Order (ECF No. 3).

In April 2022, Botelho submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1). Botelho, however, did not pay the \$5 filing fee or submit an application for leave to proceed *in forma pauperis* ("IFP"). On May 9, 2022, the Court instructed Botelho to either pay the \$5 filing fee or submit a complete IFP application with all required documentation within 45 days. (ECF No. 3.) In addition, the Court instructed Botelho to file an amended petition on the Court's form. (*Id.* at 1-2.) The Court warned that his failure to timely and fully comply with the order would result in a dismissal of this action without prejudice and without further advance notice. (*Id.* at 3.)

To date, Botelho has not filed a complete IFP application, paid the \$5 filing fee, or filed an amended petition on the Court's form.

It is therefore ordered that Petitioner Michael Todd Botelho's Petition for Writ of Habeas Corpus (ECF No. 1-1) is dismissed without prejudice based on his failure to comply with the Court's order.

It is further ordered that Botelho's motions (ECF Nos. 6, 7) are denied as moot.

It is further ordered that a certificate of appealability is denied as jurists of reason would not find the Court's dismissal of the petition to be debatable or wrong.

1 It is further ordered that under to Rule 4 of the Rules Governing Section 2254
2 Cases, the Clerk of Court is directed to add Nevada Attorney General Aaron D. Ford as
3 counsel for Respondents and informally serve the Nevada Attorney General by directing
4 a notice of electronic filing of this order to his office. No response is required from
5 Respondents other than to respond to any orders of a reviewing court.

6 The Clerk of Court is directed to enter judgment accordingly and close this case.

7 DATED THIS 20th Day of July 2022.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written above a horizontal line.

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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